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SUITE 800
WASHINGTON DC 20005

In re Application of :
GRONLUND : NOTIFICATION
Application No.: 10/554,409 :
PCT No.: PCT/IB2004/001583 :
Int. Filing Date: 22 April 2004 :
Priority Date: 24 April 2003 :
Attorney's Docket No.: 1768-139 :
For: RECOMBINANT ALLERGEN :

This notification is in response to applicants' submission filed 22 March 2007, which included, *inter alia*, a declaration of the inventors.

BACKGROUND

On 22 April 2004, applicants filed international application PCT/IB2004/001583 which designated the U.S. and claimed a priority date of 24 April 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 04 November 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 October 2005.

On 24 October 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 26 January 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that applicant must provide an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h).

On 22 March 2007, applicants filed the instant submission which was accompanied by, *inter alia*, a declaration of inventors and the surcharge under 37 CFR 1.492(h).

DISCUSSION

The declaration filed 22 March 2007 is not sufficient because it contains non-initialed alterations (page 2 of the declaration). 37 CFR 1.52(c). "The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration." MPEP § 605.04(a). Item I.

Additionally, the non-initialed alterations change the second inventor's name. Thus, even if the alterations were initialed and dated, the declaration of the inventor submitted 22 March 2007 would not comply with 37 CFR 1.497(a)-(b) because it would not list the correct inventorship. There would be a difference in names in the named inventor between the published international application (Marianne VAN HAGE-HAMSTEN) and the declaration of the inventor (Marianne VAN HAGE). Because this difference in names would be more than a mere typographical error, a transliteration error, or a phonetic misspelling of applicant's legal name, a proper petition under 37 CFR 1.182 would be required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of \$400 as well as a statement from the inventor.

CONCLUSION

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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